

AMENDED IN SENATE JUNE 9, 2014

AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY MARCH 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 935

Introduced by Assembly Member Frazier

(Principal coauthor: Assembly Member Alejo)

(Coauthor: Assembly Member Bonilla)

(Coauthors: Assembly Members Achadjian, Eggman, Garcia, Gonzalez, Lowenthal, Melendez, Nestande, V. Manuel Pérez, Skinner, and Wieckowski)

(Coauthors: Senators Anderson, Cannella, Correa, and Gaines)

February 22, 2013

An act to amend Section ~~66540.12~~ of the Government Code, relating to the ~~San Francisco Bay Area Water Emergency Transportation Authority~~, 12811 of, and to add Section 14901.1 to, the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 935, as amended, Frazier. ~~San Francisco Bay Area Water Emergency Transportation Authority; terms of board members. Driver's licenses: veteran designation.~~

(1) Under existing law, when the Department of Motor Vehicles determines that an applicant is lawfully entitled to a driver's license, the department is required to issue that license to the applicant. Existing law specifies the contents of a driver's license and requires the application for a driver's license or identification card to contain a space for an applicant to indicate whether he or she has served in the

Armed Forces of the United States and to give his or her consent to be contacted regarding eligibility to receive state or federal veterans' benefits.

This bill would, commencing November 11, 2015, allow an applicant for a driver's license or identification card to allow a person to request the driver's license or identification card be printed with the word "VETERAN." The applicant would be required to present to the Department of Motor Vehicles, on a form developed jointly by the Department of Veterans Affairs and the Department of Motor Vehicles, proof of veteran status. The bill would require county veterans service offices to verify an applicant's veteran status for these purposes, as specified. The department would be required to print the word "VETERAN" on the face of a driver's license or identification card issued to a person who makes that request and presents that verification to the department.

(2) Existing law establishes certain fee amounts for the applications for, and renewal of, driver's licenses and identification cards.

This bill would authorize the department to charge an additional fee not to exceed \$15 to a person who requests that the person's driver's license or identification card be designated as provided above.

~~Existing law establishes the San Francisco Bay Area Water Emergency Transportation Authority with specified powers and duties, including, but not limited to, the authority to coordinate the emergency activities of all water transportation and related facilities within the bay area region, as defined.~~

~~Existing law provides for a board of directors of the authority, 3 members of which are appointed by the Governor and one each by the Senate Committee on Rules and the Speaker of the Assembly. Directors serve 6-year terms.~~

~~This bill would expand the number of members appointed by the Senate Committee on Rules and the Speaker of the Assembly to 2 members each. The bill would require that the initial terms of the additional members appointed by the Senate Committee on Rules and the Speaker of the Assembly pursuant to its provisions shall be 2 years and 6 years, respectively. The bill would require that one of the 3 members appointed by the Governor be a bona fide labor representative and that another member be a resident of the City and County of San Francisco selected from a list of 3 nominees provided by the San Francisco County Transportation Authority.~~

~~The bill would require that the 2 members appointed by the Senate Committee on Rules be a resident of the County of Contra Costa selected from a list of 3 nominees provided by the Contra Costa Transportation Authority and a resident of the County of San Mateo selected from a list of 3 nominees provided by the San Mateo County Transportation Authority. The bill would require that the 2 members appointed by the Speaker of the Assembly be a resident of the County of Solano selected from a list of nominees provided by the Solano Transportation Authority and a resident of the County of Alameda selected from a list of 3 nominees provided by the Alameda County Transportation Authority. The bill would provide for the Senate Committee on Rules or the Speaker of the Assembly, as applicable, to appoint a resident of the county if a transportation authority fails to submit a list of 3 nominees within 45 days of a vacancy.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12811 of the Vehicle Code is amended to
2 read:
3 12811. (a) (1) (A) When the department determines that the
4 applicant is lawfully entitled to a license, it shall issue to the person
5 a driver's license as applied for. The license shall state the class
6 of license for which the licensee has qualified and shall contain
7 the distinguishing number assigned to the applicant, the date of
8 expiration, the true full name, age, and mailing address of the
9 licensee, a brief description and engraved picture or photograph
10 of the licensee for the purpose of identification, and space for the
11 signature of the licensee.
12 (B) Each license shall also contain a space for the endorsement
13 of a record of each suspension or revocation thereof of the license.
14 (C) The department shall use whatever process or processes, in
15 the issuance of engraved or colored licenses, that prohibit, as near
16 as possible, the ability to alter or reproduce the license, or prohibit
17 the ability to superimpose a picture or photograph on the license
18 without ready detection.
19 (2) In addition to the requirements of paragraph (1), a license
20 issued to a person under 18 years of age shall display the words
21 "provisional until age 18."

1 (b) (1) On and after July 1, 2011, an application for an original
2 or renewal driver's license or identification card shall contain a
3 space for the applicant to enroll in the Donate Life California Organ
4 and Tissue Donor Registry. The application shall include check
5 boxes for an applicant to mark either (A) Yes, add my name to the
6 donor registry or (B) I do not wish to register at this time.

7 (2) The department shall inquire verbally of an applicant
8 applying in person for an original or renewal driver's license or
9 identification card at a department office as to whether the applicant
10 wishes to enroll in the Donate Life California Organ and Tissue
11 Donor Registry. Failure or refusal to answer this question or check
12 a box on the application form shall not be a basis for the department
13 to deny an applicant a driver's license or identification card.

14 (3) The following language shall be included with the question
15 required by paragraph (1):
16

17 "Marking 'Yes' adds your name to the Donate Life California
18 Organ and Tissue Donor Registry and a pink 'donor' dot will
19 appear on your license. If you wish to remove your name from the
20 registry you must contact Donate Life California (see back); DMV
21 can remove the pink dot from your licenses but cannot remove
22 you from the registry."
23

24 (4) The back of the application shall contain the following
25 statement:
26

27 "If, on the front of this form, you marked 'Yes' to register as an
28 organ and tissue donor you are legally authorizing the recovery of
29 organs and tissues in the event of your death. Registering as a
30 donor will not affect your medical treatment in any way. As
31 outlined in the California Anatomical Gift Act, your authorization
32 is legally binding and, unless the donor is under 18 years of age,
33 your decision does not require the consent of any other person.
34 For registered donors under 18 years of age, the legal guardian
35 shall make the final donation decision. You may limit your
36 donation to specific organs or tissues, place usage restrictions, for
37 example transplantation or research, obtain more information about
38 donation, or remove your name from the registry on the Internet
39 Web site of Donate Life California:
40 www.donateLIFecalifornia.org."

1
2 (5) Notwithstanding any other ~~provision of~~ law, a person under
3 18 years of age may register as a donor. However, the legal
4 guardian of that person shall make the final decision regarding the
5 donation.

6 (6) The department shall collect donor designation information
7 on all applications for an original or renewal driver's license or
8 identification card.

9 (7) The department shall print the word "DONOR" or another
10 appropriate designation on the face of a driver's license or
11 identification card to a person who has indicated on the application
12 his or her intent to enroll in the organ donation program pursuant
13 to this section.

14 (8) On a weekly basis, the department shall electronically
15 transmit to Donate Life California, a nonprofit organization
16 established and designated as the California Organ and Tissue
17 Donor Registrar pursuant to Section 7150.90 of the Health and
18 Safety Code, all of the following information from every
19 application that indicates the applicant's decision to enroll in the
20 organ donation program:

21 (A) His or her true full name.

22 (B) His or her residence or mailing address.

23 (C) His or her year of birth.

24 (D) His or her California driver's license number or
25 identification card number.

26 (9) (A) A person who applies for an original or renewal driver's
27 license or identification card may designate a voluntary
28 contribution of two dollars (\$2) for the purpose of promoting and
29 supporting organ and tissue donation. This contribution shall be
30 collected by the department, and treated as a voluntary contribution
31 to Donate Life California and not as a fee for the issuance of a
32 driver's license or identification card.

33 (B) The department may use the donations collected pursuant
34 to this paragraph to cover its actual administrative costs incurred
35 pursuant to paragraphs (6) to (8), inclusive. The department shall
36 deposit all revenue derived pursuant to this paragraph and
37 remaining after the department's deduction for administrative costs
38 in the Donate Life California Trust Subaccount, that is hereby
39 created in the Motor Vehicle Account in the State Transportation
40 Fund. Notwithstanding Section 13340 of the Government Code,

1 all revenue in this subaccount is continuously appropriated, without
2 regard to fiscal years, to the Controller for allocation to Donate
3 Life California and shall be expended for the purpose of increasing
4 participation in organ donation programs.

5 (C) The department shall transmit to the Donate Life California
6 Organ and Tissue Donor Registry and the appropriate policy and
7 fiscal committees of the Legislature an annual report, and shall
8 make available quarterly updates, detailing funds collected through
9 voluntary contributions as well as a summary of applicants,
10 including all of the following nonidentifiable information:

11 (i) Date of application.

12 (ii) Method of application (field office, online, or mail).

13 (iii) Donor registration status.

14 (iv) ~~ZIP-code~~ *Code*.

15 (v) Gender.

16 (vi) Year of birth.

17 (D) (i) The annual report to be submitted to the appropriate
18 policy and fiscal committees of the Legislature pursuant to
19 subparagraph (C) shall be submitted in compliance with Section
20 9795 of the Government Code.

21 (ii) Pursuant to Section 10231.5 of the Government Code, the
22 requirement for submitting the annual report to the appropriate
23 policy and fiscal committees of the Legislature imposed under
24 subparagraph (C) is inoperative four years after the date the first
25 annual report is due.

26 (10) The enrollment form shall be posted on the Internet Web
27 sites for the department and the California Health and Human
28 Services Agency.

29 (11) The enrollment shall constitute a legal document pursuant
30 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
31 with Section 7150) of Part 1 of Division 7 of the Health and Safety
32 Code) and shall remain binding after the donor's death despite any
33 express desires of next of kin opposed to the donation. Except as
34 provided in paragraph (5) of subdivision (b), the donation does
35 not require the consent of any other person.

36 (12) Donate Life California shall ensure that all additions and
37 deletions to the California Organ and Tissue Donor Registry,
38 established pursuant to Section 7150.90 of the Health and Safety
39 Code, shall occur within 30 days of receipt.

1 (13) Information obtained by Donate Life California for the
2 purposes of this subdivision shall be used for these purposes only
3 and shall not be disseminated further by Donate Life California.

4 (c) (1) All applications for a driver's license or identification
5 card shall contain a space for an applicant to indicate whether he
6 or she has served in the Armed Forces of the United States and to
7 give his or her consent to be contacted regarding eligibility to
8 receive state or federal veterans benefits. The application shall
9 contain the following statement:

10
11 "By marking the veteran box on this application, I certify that I
12 am a veteran of the United States Armed Forces and that I want
13 to receive veterans benefits information from the California
14 Department of Veterans Affairs. By marking the veteran box on
15 this application, I also consent to DMV transmitting my name and
16 mailing address to the California Department of Veterans Affairs
17 for this purpose only, and I certify that I have been notified that
18 this transmittal will occur."

19
20 (2) The department shall collect the information obtained
21 pursuant to paragraph (1).

22 (3) As mutually agreed between the department and the
23 Department of Veterans Affairs, the department shall electronically
24 transmit to the Department of Veterans Affairs the following
25 information on each applicant who has identified that he or she
26 has served in the Armed Forces of the United States since the last
27 data transfer and has consented to be contacted about veterans
28 benefits:

29 (A) His or her true full name.

30 (B) His or her mailing address.

31 (4) Information obtained by the Department of Veterans Affairs
32 for the purposes of this subdivision shall be used for the purpose
33 of assisting individuals to access veterans benefits and shall not
34 be disseminated except as needed for this purpose.

35 (5) *Commencing November 11, 2015, an application for an*
36 *original, duplicate, or in-person renewal of a driver's license or*
37 *identification card shall allow an applicant to request the word*
38 *"VETERAN" be printed on the face of the driver's license or*
39 *identification card. An application form shall be developed jointly*
40 *by the Department of Veterans Affairs and the Department of*

1 *Motor Vehicles to acknowledge verification of veteran status. A*
2 *county veterans service office shall verify the veteran's status as*
3 *a veteran, sign the application form, and return it to the veteran.*
4 *The Department of Motor Vehicles shall accept the signed*
5 *application form as proof of veteran status. Upon payment of the*
6 *fee required pursuant to Section 14901.1, the word "VETERAN"*
7 *shall be printed on the face of a driver's license or identification*
8 *card, in a location determined by the department, and issued to a*
9 *person who makes this request and presents the verification to the*
10 *department.*

11 (d) A public entity or employee shall not be liable for loss,
12 detriment, or injury resulting directly or indirectly from false or
13 inaccurate information contained in the form provided pursuant
14 to subdivision (b).

15 (e) A contract shall not be awarded to a nongovernmental entity
16 for the processing of driver's licenses, unless the contract conforms
17 to all applicable state contracting laws and all applicable procedures
18 set forth in the State Contracting Manual.

19 *SEC. 2. Section 14901.1 is added to the Vehicle Code, to read:*
20 *14901.1. In addition to the fees required by Section 14900,*
21 *14900.1, or 14902, the department may charge a fee not to exceed*
22 *fifteen dollars (\$15) to any person who requests, pursuant to*
23 *paragraph (5) of subdivision (c) of Section 12811, that the person's*
24 *driver's license or identification card be printed with the word*
25 *"VETERAN" to indicate that the person has served in the United*
26 *States Armed Forces. The fee shall be set in an amount to*
27 *reimburse the department for its costs in processing and issuing*
28 *a request for a license or card issued pursuant to paragraph (5)*
29 *of subdivision (c) of Section 12811.*

30 ~~SECTION 1. Section 66540.12 of the Government Code is~~
31 ~~amended to read:~~

32 ~~66540.12. (a) The authority shall be governed by a board~~
33 ~~composed of seven members, as follows:~~

34 ~~(1) Three members shall be appointed by the Governor, subject~~
35 ~~to confirmation by the Senate. The Governor shall make the initial~~
36 ~~appointment of these members of the board no later than January~~
37 ~~11, 2008.~~

38 ~~(A) One member appointed by the Governor shall be a bona~~
39 ~~fide labor representative.~~

1 ~~(B) One member appointed by the Governor shall be a resident~~
2 ~~of the City and County of San Francisco and shall be selected from~~
3 ~~a list of three nominees provided by the San Francisco County~~
4 ~~Transportation Authority. If the authority fails to submit a list of~~
5 ~~three nominees within 45 days of a vacancy, the Governor shall~~
6 ~~appoint a resident of that county.~~

7 ~~(2) Two members shall be appointed by the Senate Committee~~
8 ~~on Rules as follows:~~

9 ~~(A) One member appointed by the Senate Committee on Rules~~
10 ~~shall be a resident of the County of Contra Costa and shall be~~
11 ~~selected from a list of three nominees provided by the Contra Costa~~
12 ~~Transportation Authority. If the authority fails to submit a list of~~
13 ~~three nominees within 45 days of a vacancy, the Senate Committee~~
14 ~~on Rules shall appoint a resident of that county.~~

15 ~~(B) One member appointed by the Senate Committee on Rules~~
16 ~~shall be a resident of the County of San Mateo and shall be selected~~
17 ~~from a list of three nominees provided by the San Mateo County~~
18 ~~Transportation Authority. If the authority fails to submit a list of~~
19 ~~three nominees within 45 days of a vacancy, the Senate Committee~~
20 ~~on Rules shall appoint a resident of that county.~~

21 ~~(3) Two members shall be appointed by the Speaker of the~~
22 ~~Assembly as follows:~~

23 ~~(A) One member appointed by the Speaker of the Assembly~~
24 ~~shall be a resident of the County of Solano and shall be selected~~
25 ~~from a list of three nominees provided by the Solano Transportation~~
26 ~~Authority. If the authority fails to submit a list of three nominees~~
27 ~~within 45 days of a vacancy, the Speaker of the Assembly shall~~
28 ~~appoint a resident of that county.~~

29 ~~(B) One member appointed by the Speaker of the Assembly~~
30 ~~shall be a resident of the County of Alameda and shall be selected~~
31 ~~from a list of three nominees provided by the Alameda County~~
32 ~~Transportation Authority. If the authority fails to submit a list of~~
33 ~~three nominees within 45 days of a vacancy, the Speaker of the~~
34 ~~Assembly shall appoint a resident of that county.~~

35 ~~(b) Each member of the board shall be a resident of a county in~~
36 ~~the bay area region.~~

37 ~~(c) Public officers associated with an area of government,~~
38 ~~including planning or water, whether elected or appointed, may~~
39 ~~be appointed to serve contemporaneously as members of the board.~~

1 A public agency shall not have more than one representative on
2 the board of the authority.
3 (d) The Governor shall designate one member as the chairperson
4 of the board and one member as the vice chairperson of the board.
5 (e) Except as provided in subdivisions (f) and (g), the term of
6 a member of the board shall be six years.
7 (f) (1) Except as to initial appointments specified in subdivision
8 (g), the appointments next following the expiration of the terms
9 of the initial appointments shall be for the following terms:
10 (A) Two of the members appointed by the Governor shall serve
11 terms of two years and one shall serve a term of six years.
12 (B) The member appointed by the Senate Committee on Rules
13 shall serve a term of four years.
14 (C) The member appointed by the Speaker of the Assembly
15 shall serve a term of four years.
16 (2) Each member appointed after the expiration of the terms set
17 forth in subparagraphs (A) to (C), inclusive, of paragraph (1) shall
18 serve a term of six years.
19 (g) The initial terms for additional appointees of the Senate
20 Committee on Rules and the Speaker of the Assembly added to
21 the authority pursuant to the act that added this subdivision shall
22 be the following:
23 (1) The additional member appointed by the Senate Committee
24 on Rules shall serve a term of two years.
25 (2) The additional member appointed by the Speaker of the
26 Assembly shall serve a term of six years.
27 (h) Vacancies shall be filled immediately by the appointing
28 power for the unexpired portion of the terms in which they occur.